

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SEEK WAIVERS OF FEDERAL LAW TO IMPLEMENT A FAMILY PLANNING DEMONSTRATION PROJECT FOR THE PURPOSES OF REDUCING UNINTENDED PREGNANCIES AND RELATED COSTS TO MEDICAID; AMENDING SECTION 53-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Social Security Act section 1115 waiver -- family planning. (1) The department shall implement a demonstration project for family planning services upon approval of a section 1115 waiver by the U.S. department of health and human services.

(2) The department shall seek a section 1115 waiver for a demonstration project to expand family planning services for the purpose of reducing the medicaid costs incurred for unintended pregnancies, such as costs for prenatal care, delivery, medical costs for the mother, and ongoing health care for the child, by decreasing unintended pregnancies for women who may potentially become medicaid recipients by meeting pregnancy-related eligibility criteria.

(3) Objectives of the waiver must be to:

(a) increase the use of family planning services among individuals with incomes at or below 200% of the federal poverty level who are not currently eligible for medicaid; and

(b) reduce the rate of unintended pregnancies among females, including teenagers, with incomes at or below 200% of the federal poverty level.

(4) The services that the department shall seek to cover through a waiver must include:

(a) office visits;

(b) limited laboratory services;

(c) sterilization and contraceptive devices; and

(d) pharmaceutical supplies.

(5) Any waiver application must include the use of the following licensed providers to the extent allowed

1 by federal law:

2 (a) physicians;

3 (b) advanced practice registered nurses and licensed professional nurses;

4 (c) federally qualified health centers;

5 (d) hospital clinics;

6 (e) pharmacies;

7 (f) family planning clinics funded by federal Title V funds, as provided for in 42 U.S.C. 701, or Title X
8 funds, as provided for in 42 U.S.C. 300.

9
10 **Section 2.** Section 53-2-101, MCA, is amended to read:

11 **"53-2-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions
12 apply:

13 (1) "Department" means the department of public health and human services provided for in Title 2,
14 chapter 15, part 22.

15 (2) "Needy person" is one who is eligible for public assistance under the laws of this state.

16 (3) "Protective services" means services to children and adults to be provided by the department as
17 permitted by Titles 41 and 53.

18 (4) "Public assistance" or "assistance" means any type of monetary or other assistance furnished under
19 this title to a person by a state or county agency, regardless of the original source of the assistance.

20 (5) "Section 1115 waiver" means an experimental, pilot, research, or demonstration project subject to
21 approval by the secretary of the U.S. department of health and human services, authorized by section 1115 of
22 Title XI of the Social Security Act, 42 U.S.C. 1315, for which certain requirements of the Social Security Act are
23 waived."

24
25 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 53, chapter 2, part 2, and the provisions of Title 53, chapter 2, part 2, apply to [section 1].

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28 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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